

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID DANIELS,

Plaintiff,

No. CIV-S-03-0400 MCE GGH P

vs.

W. YOUNG, et al.,

Defendants.

ORDER

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An Order, filed on March 23, 2007, was served on plaintiff's address of record but was returned to this court with the notation that "RTS-Unable to Forward." Subsequently, on May 11, 2007, the court issued Findings and Recommendations, recommending dismissal for plaintiff's failure to comply with Local Rule 83-182(f), which requires that a party appearing in propria persona inform the court of any address change. Although plaintiff did not file timely objections, on June 26, 2007, he did file a request for the status of his case, indicating, without filing a notice of change of address, that his address had changed.

The court will vacate its Findings and Recommendations, filed on May 11, 2007, will direct the Clerk of the Court to update plaintiff's address of record and to re-serve him with the March 23, 2007, Order, and will set the pretrial conference and trial dates in this matter. Plaintiff's wholly defective and inapposite motion for summary judgment will also be vacated.

Accordingly, IT IS ORDERED that:

1. The Findings and Recommendations, filed on May 11, 2007, are vacated;

2. The Clerk of the Court is directed to update the case docket to reflect that plaintiff's most recent address of record has been changed to: ASU H 99/ P.O. Box 4430/ Lancaster, CA 93539-4430 (docket entry # 112);

3. The Clerk is also directed to re-serve upon plaintiff the March 23, 2007, Order, at his new address of record (docket entry # 108);

4. Plaintiff's wholly defective motion for summary judgment, filed on July 2, 2007, is vacated;

5. Pretrial conference (as described in Local Rule 16-282) is set in this case for September 28, 2007, before the magistrate judge. The pretrial conference shall be conducted on the file only, without appearance by either party;

6. Plaintiff shall file and serve his pretrial statement and any motions necessary to obtain the attendance of witnesses at trial on or before September 7, 2007. Defendants shall file their pretrial statement on or before September 21, 2007. The parties are advised that failure to file a pretrial statement may result in the imposition of sanctions, including dismissal of this action.

7. This matter is set for jury trial before the Honorable Morrison C. England, Jr., on December 10, 2007, at 9:00 a.m.

DATED: 7/31/07

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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